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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. <u>07-00065</u>
)	
Plaintiff,)	GOVERNMENT'S MOTION FOR
)	A ONE-LEVEL DEPARTURE
vs.)	
)	
JOVENO C. FERNANDEZ,)	
)	
Defendant.)	
_____)	

Although the United States had filed a notice adopting the presentence report in the above-entitled cause, the government had not moved for the additional one level departure downward from the guidelines sentencing level pursuant to USSG § 3E1.1(b) because it was not satisfied that the defendant had been fully truthful with investigators. After a discussion with defense counsel, however, upon further consideration the government is hereby making the motion for the one-level departure, because this guideline provision is based upon whether the defendant timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the court to allocate its

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1 resources efficiently. There is no question that defendant's notice of guilty plea was timely, and
2 no question that it permitted the government to avoid expending further resources in trial
3 preparation.

4 RESPECTFULLY SUBMITTED this 18th day of April, 2008.

5 LEONARDO M. RAPADAS
6 United States Attorney
Districts of Guam and NMI

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8 By: /s/ Karon J. Johnson
9 KARON V. JOHNSON
Assistant U.S. Attorney